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December 4, 2002

Mr. Mark Lipp
Shook, Hardy & Bacon., L.L.P.
Suite 800
600 14th Street NW
Washington, D.C. 20004-2004

In re: WWIZ (FM), Mercer, PA
Cumulus Licensing Corp.
Application BPH-20010919AAV
Facility ID No. 23437

Dear Mr. Lipp:

We have before us the above-captioned application for WWIZ (FM), Mercer, PA.¹ The application proposes to change transmitter site by 9.8 km and employ a directional antenna.

Using the standard propagation method set forth in 47 CFR Section 73.333, the proposed facilities will not provide 70 dBu coverage to at least 80% of Mercer, PA (the community of license), as required by 47 CFR Section 73.315. Recognizing this shortfall, the application includes a supplemental analysis based on the Longley-Rice prediction method. The analysis indicates that for each radial toward Mercer (spaced at 1° intervals), the distance to the contour is extended by at least 98.9%, as compared to the values obtained by the standard contour prediction method. The analysis includes a list of Δh (terrain roughness) values ranging from 55.4 to 63.9 meters in the direction of Mercer.² The application concludes that all of Mercer will be contained within the 70 dBu contour.

In 1997, the Commission indicated that it was willing to consider supplemental showings in the context of coverage of the community of license (Section 73.315).³ The Commission established several guidelines for such analyses, which are as follows:

- (1) an explanation of why use of a supplemental showing is warranted (*e.g.*, very flat, very rough, or anomalous

¹ This application was filed contingent with minor change application BPH-20010919AAU for WLSW, Scottsdale, PA.

² Terrain roughness or Δh (delta-h) was adopted by the Commission in 1975 as a measure of how local terrain departs from a reference value of 50 meters. The 50 meter value represents an average value for terrain in the United States. A smaller Δh represents flatter-than-average terrain. *Field Strength Curves*, Dockets 16004 and 18052, FCC 75-636, 53 FCC 2d 855 (1975). The use of the terrain roughness factor was later suspended because of occasional atypical results. *Temporary Suspension of Certain Portions of Sections 73.313, 73.333, 73.684, and 73.699*, FCC 75-1226, 56 FCC 2d 749 (1975).

³ *Certain Minor Changes Without a Construction Permit*, MM Docket 96-58, FCC 97-270, 12 FCC Rcd 12371 (1997) at 12401 – 12403 (paragraphs 67-72).

terrain), and a showing how the terrain departs widely from the average terrain assumed for the F(50,50) propagation curves in 47 C.F.R. Section 73.333 for FM stations (*see* 47 C.F.R. Section 73.313(e) for FM or 47 C.F.R. Section 73.699 for TV stations (*see* 47 C.F.R. 73.684(f) for TV));

- (2) a showing that the distance to the 70 dBu contour as predicted by the supplemental method is at least 10% larger than the distance predicted by the standard contour prediction method (47 C.F.R. Section 73.313(c) and (d) for FM stations or 47 C.F.R. Sections 73.684(c), (d), and (g) for TV stations);[footnote omitted]
- (3) coordinates of the proposed main studio location for showings of compliance with 47 C.F.R. Section 73.1125;
- (4) a map showing the relative locations of the main studio location, or legal boundaries of the community of license, and the principal community contours as predicted by the standard and supplemental contour prediction methods;
- (5) a list of assumptions and an explanation of the method used in generating the supplemental analysis;
- (6) sample calculations using the supplemental procedure.

This application fails to establish that the terrain between the transmitter site and the community “departs widely”. The Δh values given in the application were not determined in accordance with 47 CFR Section 73.314(h).⁴ No other justification was provided.⁵ On the basis of the information provided, we cannot conclude that use of a supplemental showing is warranted in this instance.

Pursuant to 47 C.F.R. § 73.3522(a)(6), “an applicant whose application is found to meet the minimum filing requirements but nevertheless is not complete and acceptable shall have the opportunity in the 30-day period specified in the staff’s deficiency letter to correct all deficiencies in the tenderability and acceptability of the underlying application, including any deficiency not specifically identified by the staff.” Additionally, 47 C.F.R. Section 73.3564(a) states that, [a]pplications with uncorrected tender and/or acceptance defects remaining after the opportunity for amendment will be dismissed with no further opportunity for corrective amendment.” *See* Appendix B in the *Report and Order* in MM Docket 91-347, 7 FCC Rcd 5074, 57 Fed. Reg. 34872, released July 27, 1992. This letter constitutes your opportunity for corrective amendment pursuant to 47 C.F.R. § 73.3522(a)(6). You must provide sufficient information to justify use of the supplemental showing or resolve the issue by some other means. The amendment must be electronically filed no later than 30 days from the date of this letter. Failure

⁴ In particular, your application defines Δh values by subtracting the lowest elevation value from the highest elevation value along the radial. Thus, you conclude that the terrain is “extremely rough” with a “ Δh of 55 meters”. However, this is not the proper method of determining Δh . *See* 47 CFR Section 73.313(f) and *Field Strength Curves*, FCC 75-636, 53 FCC 2d 855 (1975). In addition, where high Δh values (increasing terrain roughness) are encountered, we would intuitively expect the signal strength to be *reduced*, not increased by a significant amount as claimed in your application.

⁵ The staff has established, in coordination with the Office of Engineering and Technology (O.E.T.), the following guidelines to define “terrain departs widely”:

- (1) Where Δh is used as the sole determinant that the terrain along a radial widely departs from the 50 meter standard, a Δh value of 20 meters or less, or 100 meters or more.
- (2) Where the antenna height above average terrain (HAAT) along radials toward the community of license (using an extended radial) varies by more than 30% from the HAAT obtained from the standard method of determining HAAT along a radial. In this context, the standard method requires the averaging of the radial elevation for at least 50 equally spaced points between 3 and 16 km from the transmitter site. The “extended radial” includes additional points between 16 km and the community of license, using the same point spacing as for the 3 to 16 km section.

to timely file an amendment will result in the dismissal of the application pursuant to 47 CFR Section 73.3568.

Sincerely,

Edward P. De La Hunt
Associate Chief, Audio Division
Office of Broadcast License Policy
Media Bureau

cc: Cumulus Licensing Corp.
: Virgle Leon Strickland